

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

145439

DATE: 09 FEB 1982

SUBJECT: Borne Chemical

FROM: John V. Czapora  
Hazard Assessment SectionTO: Walter Mugdan, Chief  
General Enforcement BranchTHRU: John S. Frisco, Chief  
Hazard Assessment Section

The purpose of this memo is to briefly review Agency activities regarding Borne Chemical, outline the problems facing us and limiting our future options, and suggest alternative courses of action at the site.

History

Borne Chemical is a largely unused facility on South Front Street in Elizabeth, New Jersey. The sole remaining activity at the site is a oil blending operation which does not produce waste. The hazardous waste problem at the site centers around a tank farm - 23 tanks containing an estimated 486,000 gallons of chemicals and oils. Borne has disowned responsibility for these tanks in the past, claiming the material was brought to the site by companies leasing the property, most notably Coastal Services. There is little information on the nature of material in the tanks. Some analysis was performed years ago for Borne showing the presence of PCB's (less than 50 ppm) and flash points below 100°F. Due to the low flash points, FIT recommended sampling during the winter and was prepared to conduct the sampling in January.

Current Status

We have postponed sampling for two reasons. First, the New Jersey Hazardous Waste Strike Force requested a delay of about one month to allow for completion of a criminal investigation. This investigation may not affect Borne but rather a facility in Pennsylvania that may have received material from Borne in violation of its permit. Secondly, Borne is attempting to dispose of material in eight of the tanks by selling it to a oil reclamation and recycling operation. The broker, Valley Forge Engineering, has analyzed the contents of the tanks for PCB's, flash point, and chlorinated hydrocarbons. Final analytical results are due shortly, however, it appears that this will not immediately be of assistance as preliminary results show wide discrepancies between Borne's PCB results and split-sample results analyzed by a NJDEP contract lab. In addition, the proposed recycling facility is the subject of the criminal investigation; there is some question as to whether the material will be allowed to be removed to that facility.

The above facts present us with a dilemma. On the one hand we do not want to interfere with the ongoing state investigation, nor do we want to spend time and money sampling tanks which may be empty within a short time. On the other hand, we do not want to delay sampling with the result that the material is still in the tanks this summer.

#### Enforcement/Removal Options

Assuming that our objective is the removal of the material in the tanks by this summer, two areas need to be fully examined before we can act:

1. How many of the tanks contain material which can be reclaimed? When will the removal for purposes of reclamation occur? How many tanks will still contain material?
2. What is the nature of the Strike Force's investigation? Will it in any way result in the removal of the material in the tanks? Will it prevent the removal planned by Borne?

Assuming, as it now appears, that material will not be removed and reclaimed, there are a number of options which we could pursue:

1. Issuance of a §3013 letter requiring Borne to sample all tanks to determine quantity and quality of the material in the tanks.
2. Issuance of a Superfund notice letter to Borne preceding our investigatory activity and any conceivable removal activity.
3. Instruct the FIT to perform the sampling outright.

The first two points are only suggested to prevent the Agency from bearing analytical costs which are Borne's responsibility. It would be particularly inappropriate if our results were used by Borne to make a profit or remove a liability.

In summary, it is clear that the Borne Chemical site requires some immediate action on the part of either ourselves or the State. Some sampling must be done; sampling should be performed within the next 45 days while the temperatures are favorably low. I suggest that we resolve the enforcement issues with the New Jersey Strike Force within the next two weeks if we are to act responsibly at this site.

Copy received 2/25/82

FRED C. HART ASSOCIATES, INC.

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TELEPHONE: (201) 621-6800

TO : Dr. Richard Spear                      DATE: January 25, 1982

FROM: Amelia J. Janisz *Amelia J. Janisz*

THRU: Peter Franconeri *Peter Franconeri*

RE : BORNE CHEMICAL COMPANY SAMPLING

TDD # 02-8106-03

On January 12, 1982, I received a phone call from John Czapor of the Hazardous Waste Enforcement Branch. Mr. Czapor informed me that, per instructions, from the Criminal Justice Department, sampling at Borne Chemical Company was to be postponed indefinitely. Originally, FIT had planned to complete sampling the tanks in January.

I am seriously concerned about postponing the sampling for the following reasons:

1. The site was labelled high priority by the EPA.
2. We have waited five (5) months for average ambient temperature to decline to a point at which compounds with low vapor pressure pose less hazard to our sampling personnel.
3. The flammability of material contained in the tanks poses the greatest hazard, however, under certain conditions these materials could form an explosive mixture, and the proximity of these tanks to major public vehicular and railroad bridges is cause for concern.
4. If the FIT is to do sampling, it should be allowed to sample with the next sixty (60) days, since in our judgment, the safe temperature range will be exceeded by the end of March.

I have serious doubts that Borne will remove the wastes within 90 days because they have just come out of Chapter 11 and they indicated during the FIT site visit in August 1981 that they had no plans to deal with the tank farm for the next five (5) years. Even if Superfund monies are allocated for this site, sampling will be necessary in order to compute the MITRE ranking and also to assign proper disposal of the wastes.

Some definitive action should be taken at this site before spring.

cc: John Frisco  
✓ John Czapor